

## Illegal Police Protection and the Market for Stolen Vehicles in Buenos Aires

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# Illegal Police Protection and the Market for Stolen Vehicles in Buenos Aires

MATÍAS DEWEY\*

*Abstract.* In comparison to some illegal enterprises whose operations generate decisive moral rejection on the part of the public, vehicle theft remains an illicit underground activity that citizens largely tolerate or even exploit. In the province of Buenos Aires, the persistence, depth and breadth of transactions related to this black market cannot be explained without referring to the role of the state police. This article uses a theoretical approach to illegal police protection in order to understand the complicity between the police and criminals as fundamental to the market for stolen cars in the province. Using data from in-depth interviews and official documents, the article examines how exactly the police protect thieves, dismantlers and distributors of cars and/or auto parts. It analyses three elements that condition the sale of illegal protection to criminals by the police: threats and selective implementation of penalties; control of consequences; and bureaucratic falsification.

*Keywords:* vehicle theft, police, Buenos Aires, illegal markets, organised crime, protection

## *Introduction*

People have everyday contact with illegal markets. While some markets, such as human or drug trafficking, are subject to explicit moral objection, others, such as stolen objects or forgeries, are usually tolerated and in some cases are exploited. An example of this is the theft and dismantling of vehicles and the subsequent sale of the vehicles or their parts in the province of Buenos Aires. From 2001 to 2011 more than 40 per cent of the vehicle thefts in that province were due to carjackings, some resulting in

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murders.<sup>1</sup> Despite the immeasurable property damage and human harm caused, this illegal market remains in operation due to the constant demand for products derived from it. This is evidenced by the countless spare parts that are confiscated periodically from so-called ‘chop shops’ in the field.<sup>2</sup>

The persistence, deep-rooted presence and volume of illegal activities linked to this market are possible only because of the state institutions which themselves participate in illegal markets. Indeed, the police force in the province of Buenos Aires has gone through two reform processes, and most of these efforts were aimed not only at improving arrest rates, but also – and mainly – at breaking the connection at the local level between criminals and police officers implicated in the business of chop shops. Seven years have passed since the second reform and, in spite of a considerable reduction in the number of vehicle thefts, the market is returning to previous levels of activity.<sup>3</sup> This is a trend that is reflected in the comments of a former undersecretary of investigations and criminal intelligence: ‘Our controls were strict and constant but there was a solid number of about 2,000 vehicles a month that we could not possibly reduce further.’<sup>4</sup> In other words, the illicit police structures were robust, had a great capacity to resist reform, and tended to chronically undermine exercise of monopoly of state violence by the police.<sup>5</sup>

In this article I will argue that the resilience of these corrupt police structures is based on the constant trading of illegal protection of criminals – that is, a type of protection that consists of police officers offering lawbreakers the temporary non-application of the law as a commodity. This results in a

<sup>1</sup> Centro de Experimentación y Seguridad Vial Argentina (CESVI Argentina), ‘Estadísticas de robos: 1er. semestre 2012’, available at [www.cesvi.com.ar/EXPOESTRATEGAS2012/presentaciones/Robos-1semestre2012.pdf](http://www.cesvi.com.ar/EXPOESTRATEGAS2012/presentaciones/Robos-1semestre2012.pdf).

<sup>2</sup> See <http://test.minseguridad.mg54.net/m%C3%A1s-de-trescientos-cincuenta-mil-autopartes-ilegales-incautadas-en-desarmaderos>. Also shown in the advertising campaigns of spare parts companies AFAC, ACARA and FACCERA.

<sup>3</sup> The first reform began in 1998 and ended one year later. The second reform was launched in 2004 and lasted until 2007.

<sup>4</sup> Interview with Roberto Vásquez, former undersecretary of investigations and criminal intelligence.

<sup>5</sup> Networks of corruption and misconduct within Latin American police organisations have attracted more research in recent years. See Elena Azaola Garrido and Miguel Angel Ruiz Torres, ‘Cuadrándole a uno el delito: la participación de policías en el delito de secuestro en la Ciudad de México’ (Mexico City: CIESAS, 2011); Daniel M. Brinks, *The Judicial Response to Police Killings in Latin America: Inequality and the Rule of Law* (Cambridge: Cambridge University Press, 2008); María E. Suárez de Garay, ‘Armados, enrejados, desconfiados’, *Política y Sociedad*, 42: 3 (2005), p. 91; and Marianne Braig and Ruth Stanley, ‘Die Polizei–(k)ein Freund und Helfer? Die Governance der öffentlichen Sicherheit in Buenos Aires und Mexiko-Stadt’, in Thomas Risse and Ursula Lehmkuhl (eds.), *Regieren ohne Staat? Governance begrenzter Staatlichkeit* (Baden-Baden: Nomos, 2007).

constant stimulation of illegal activities.<sup>6</sup> The available literature dealing with protection takes two different approaches. One analyses how the state sells protection, mostly through taxation, within the legal sphere.<sup>7</sup> The second examines how criminal organisations commercialise protection, principally to other criminal enterprises.<sup>8</sup> However, neither the first strand of literature dealing with the state as a protection racket, nor the second strand dealing with the sale of mafia protection, adequately captures the significant phenomenon of the illegal sale of police protection. Thus, a third alternative can be considered: law enforcement agencies illegally selling protection to organisations operating in the underworld.<sup>9</sup> By analysing this third way using the case of the police force in the province of Buenos Aires, this article will contribute to filling this conceptual gap.<sup>10</sup>

<sup>6</sup> The link that the police establish with criminals through the sale of protection is just one of the possible alternatives. The available literature on the subject points out that the control of illegal markets by means of the sale of protection by the police force has led to largely non-violent relationships. Along those lines, the similarities between the cases of Chicago and Buenos Aires are remarkable: see William Foot Whyte, *Street Corner Society: The Social Structure of an Italian Slum* (Chicago and London: University of Chicago Press, 1993); Mark H. Haller, 'Illegal Enterprise: A Theoretical and Historical Interpretation', *Criminology*, 28: 2 (1990), pp. 207–35; and Peter Reuter, 'Police Regulation of Illegal Gambling: Frustrations of Symbolic Enforcement', *Annals of the American Academy of Political and Social Science*, 474 (July 1984), pp. 36–47.

<sup>7</sup> Frederic C. Lane, *Profits from Power: Readings in Protection Rent and Violence-Controlling* (Albany, NY: State University of New York Press, 1979); Charles Tilly, 'War Making and State Making as Organized Crime', in Peter Evans et al., *Bringing the State Back In* (Cambridge: Cambridge University Press, 1985), p. 182; Antoni Maczak, *Der Staat als Unternehmen* (Munich: Stiftung Historisches Kolleg, 1989).

<sup>8</sup> See Diego Gambetta, *The Sicilian Mafia: The Business of Private Protection* (Cambridge: Harvard University Press, 1996). See also other specialists, such as Federico Varese, *The Russian Mafia: Private Protection in a New Market Economy* (Oxford: Oxford University Press, 2001); and Yiu Kong Chu, *Triads as Business* (London: Routledge, 1999).

<sup>9</sup> Although not expressed in such terms, the available literature refers sporadically to the government's provision of protection to outlaws, and only in regards to earlier stages of state formation in Europe.

<sup>10</sup> The great majority of works on Argentina's police deal with the Federal Police, but there is growing interest in the police force of the province of Buenos Aires. See Osvaldo Barreneche, 'La historia de las instituciones de seguridad a través de las fuentes documentales y los archivos institucionales: el caso de la Policía de la Provincia de Buenos Aires', in Mariana Sirimarco (ed.), *Estudiar la policía* (Buenos Aires: Teseo, 2010), pp. 57–85; Mariana Sirimarco, *De civil a policía: una etnografía del proceso de incorporación a la institución policial* (Buenos Aires: Teseo, 2009); Marcelo F. Sain, *El Leviatán azul* (Buenos Aires: Siglo Veintiuno, 2008); and Osvaldo Barreneche, 'La reorganización de las policías en las provincias de Buenos Aires y Córdoba, 1936–1940', available at <http://historiapolitica.com/datos/biblioteca/barreneche1.pdf>. For information regarding reform processes of the police force of the province of Buenos Aires, see Kent Eaton, 'Paradoxes of Police Reform: Federalism, Parties, and Civil Society in Argentina's Public Security Crisis', *Latin American Research Review*, 43: 3 (2008), pp. 5–32; Osvaldo Barreneche, 'La reforma policial del peronismo en la Provincia de Buenos Aires, 1946–1951', *Desarrollo Económico*, 47: 186 (2007), pp. 225–48; Alberto Föhrig and Julia Pomares, 'Las reformas policiales desde las

Given the clear attempts by police officers to obtain financial, personal or status gain in exchange for failing to apply the law, we could describe the situation as a case of corruption. In examining the conditions that make this phenomenon possible, we can observe mechanisms such as the acute sensitivity that a very corrupt police organisation has developed towards media curiosity and the insurance companies' degree of tolerance towards changes in the numbers of vehicles being stolen. The police can also act like an informal Leviathan, imposing penalties. In short, by using the notion of protection, this article will attempt to address the complexity of well-institutionalised mechanisms that smooth out illegal transactions, prevent side effects from being detrimental to the business and thus shield the market for stolen vehicles.

Initially, a conceptual discussion will allow us to identify the three variants of protection mentioned: that offered by the state, that offered by mafia organisations, and that offered illegally by the police.<sup>11</sup> After indicating the characteristics of this protection as a commodity, I will demonstrate how the police's provision of protection boosts the market for stolen vehicles in the province of Buenos Aires. Whereas the literature on the relationship between politics and organised crime tends to explain the issue in terms of police corruption, this article presents empirical evidence of a phenomenon that goes beyond bribery. In fact, the complicity between the police and criminals is strongly interlocked due to both the specific demands of the illegal enterprises and the police's deployment of a variety of mechanisms aimed at meeting the demand for protection and controlling unexpected consequences, such as the media's reaction to violent events. Far from passively 'turning a blind eye', the way in which the police actively provide protection in exchange for money, as described in this article, suggests well-established informal mechanisms kept alive by trading illegal protection. In this regard, the observations of this study

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teorías del cambio institucional: los intentos de transformación de la policía de la provincia de Buenos Aires', in Hugo Fröhling and Azun Candina, *Policía, sociedad y estado: modernización y reforma policial en América del Sur* (Santiago: Centro de Estudios del Desarrollo, 2001); and Marcelo F. Sain, *Seguridad, democracia y reforma del sistema policial en la Argentina* (Buenos Aires: Fondo de Cultura Económica, 2002).

<sup>11</sup> The focus is on the police because of their profound influence on the stolen car market, although of course, as studies about street vendors or public marketplaces show, a variety of state-related actors such as local elected politicians can supply (illegal) protection to illegal enterprises. See, for example, José C. G. Aguiar, 'The Ambivalent Relation between State and Illegal Actors: Piracy Retail in Mexico' *Etnográfica*, 15: 1 (2011), p. 114; John C. Cross and Sergio Peña, 'Risk and Regulation in Informal and Illegal Markets', in Patricia Fernández-Kelly and Jon Shefner, *Out of the Shadows: Political Action and Informal Economy in Latin America* (University Park, PA: Pennsylvania State University Press, 2006); and Enrique Desmond Arias, 'The Dynamics of Criminal Governance: Networks and Social Order in Rio de Janeiro', *Journal of Latin American Studies*, 38: 2 (2006), pp. 293–325.

are in accordance with existing research on informal institutions in Latin America, especially those referring to social spaces governed by logics different to those involving the legal system.<sup>12</sup>

In order to address the phenomenon of selling illegal protection, I will provide empirical evidence on the police force of the province of Buenos Aires (from the first attempt at reform in 1997 up to the present), focusing on the theft and resale of vehicles and auto parts. This was gathered over the course of three research visits, the first in December 2009 to January 2010, and the second and third in April and July 2010 respectively.<sup>13</sup> During these field trips, I carried out interviews and examined official documents of the police force of the province of Buenos Aires.<sup>14</sup> I relied on two sources of documentary evidence. First, I had access to a considerable variety of *investigaciones*

<sup>12</sup> See Guillermo A. O'Donnell, 'On the State, Democratization, and Some Conceptual Problems: A Latin American View with Glances at Some Postcommunist Countries', *World Development*, 21 (August 1993), pp. 1355–69; Daniel M. Brinks, 'Informal Institutions and the Rule of Law: The Judicial Response to State Killings in Buenos Aires and São Paulo in the 1990s', *Comparative Politics*, 36: 1 (2003), pp. 1–19; Steven Levitsky and Gretchen Helmke (eds.), *Informal Institutions and Democracy: Lessons from Latin America* (Baltimore, MD: Johns Hopkins University Press, 2006); Javier Auyero, *Routine Politics and Violence in Argentina: The Gray Zone of State Power* (Cambridge: Cambridge University Press, 2007); Arias, 'The Dynamics of Criminal Governance'; and Anne L. Clunan and Harold A. Trinkunas (eds.), *Ungoverned Spaces: Alternatives to State Authority in an Era of Softened Sovereignty* (Stanford, CA: Stanford University Press, 2010).

<sup>13</sup> Due to the shadowy nature of the field of illegal police protection, the collection of data required a specific strategy. An initial, exploratory phase of interviews with public officers, representatives of different entities and/or companies and journalists, and a bibliographic review of academic and journalistic literature, was followed by a phase of more focused interviews and searching for specific documents. During the latter phase I had access to valuable public files and the opportunity to evaluate them with former officers of the Ministry of Security of the province. This triangulation, in addition to a critical attitude towards the documentary sources, was necessary, given that the administrative proceedings within a police institution are frequently used for extortionary or informal disciplinary purposes. Collecting information according to pre-established criteria (years, zones, hierarchies and so forth) was not possible for two reasons: firstly due to the reluctance of those in charge (in 2010) of the Auditoría General de Asuntos Internos (General Audit of Internal Affairs) to grant access to such information, and secondly due to the lamentable and total absence of official statistics concerning public security issues.

<sup>14</sup> I conducted 21 interviews. The great majority were in-depth interviews, and whenever it was possible and/or necessary to consult the interviewee again, the interviews were pre-structured. Few interviewees gave consent to be recorded, and in some cases the conditions of the dialogue did not allow it. Those interviewed were a former minister of the Ministry of Security of the province of Buenos Aires, a former vice-minister of the same, an undersecretary of security and criminal intelligence, two former general auditors of the General Audit of Internal Affairs of the province's police force, a minister of the Supreme Court of Justice of the Nation, a supervision officer in the Investigations Unit, an undersecretary of security and civil defence of a municipality of Greater Buenos Aires, two high officials at the DNFDA, the chief technician of the Association of Argentine Components Manufacturers, the main investor in Punta Mogotes (one of the three markets of La Salada), two journalists and two businessmen, as well as five academics with expertise in



*sumariales administrativas* (summary administrative investigations), *investigaciones penales preparatorias* (preparatory penal investigations) and memoranda, all pertaining to two tenures of office of the Ministry of Security for the province of Buenos Aires. Second, I had access to documentation of the legal proceedings against those responsible for leading chop shop rings, provided by the Dirección Nacional de Fiscalización de Desarmaderos y Autopartes (National Directorate for the Control of Auto Dismantlers and Auto Parts, DNFDA).

There is a methodological problem inherent to this type of research: since many people were reluctant to talk, let alone provide useful information, the level of the research's comparability is limited. This becomes evident especially in the case of supervision officer 'Carlos', one of the interviewees who was willing to talk and answer questions about the Buenos Aires provincial police force. I interviewed him three times, for a total of about eight hours. Although his accounts throughout the interviews did not contradict one another and were coherent, I triangulated the information whenever possible with official documents, other interviews and/or journalistic information. The same procedure was followed for the rest of the interviews.

The article proceeds as follows. First, I examine the concepts of protection described by Charles Tilly and Diego Gambetta in order to distinguish a third concept, illegal police protection. Then I outline the widespread phenomenon of vehicle theft in the province of Buenos Aires. Following this, I address the question of how the police suspend law enforcement, and I then present three forms of non-enforcement. Finally, I outline the three conditions the police need to fulfil in order to sell protection.

### *The Nature of Illegal Police Protection*

For 16 years, in the town of Wilde in the province of Buenos Aires, Elbio Oscar Fernández ran a company dedicated to stealing vehicles, taking them apart and selling the parts. The nickname by which he became known, 'El Rey del Corte' (the 'Cut-Up King'), can clearly be attributed to the success of his enterprise. This businessman managed to build an infrastructure consisting of various establishments, each with its own supplier, goods in stock, buyers who were offered personalised service, and employees, many of whom were Fernández's relatives.<sup>15</sup> Undoubtedly, the complex logistical operations required to manage the theft and dismantling of hundreds of vehicles, to

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policing, security and drug trafficking. At the request of the interviewees, some of the names mentioned in this article are fictional.

<sup>15</sup> Court cases no. 365/03 and 406/03, Cio Oscar Fernández 'El Rey del Corte', Federal Court of Quilmes.



establish a widespread network of communications and to sell the automobiles (or their parts) right in the city centre could not have been achieved without the protection of the police force.<sup>16</sup> Something similar also occurred in the western area of the conurbation of Buenos Aires, which comprises the cities of Castelar, Morón, Mercedes and Moreno. Until 2002, another group of criminals operated there under the protection of seven police officers, among them an inspector. This group also stole automobiles and altered the serial numbers on their chassis and engines. Even though these criminals were not very experienced at that point in time, the company expanded internationally and cars were exported to neighbouring Paraguay.<sup>17</sup> These two cases exemplify a phenomenon that goes beyond mere corruption or deviant behaviour – in this regard, as I will show, we are referring to true joint enterprises whose operation depends heavily on informal mechanisms fuelled by illegal police protection.

Up to now, protection has been analysed from the perspective of two providers: a legal one, the state, and an extralegal one, the mafia. With the process of state formation as a backdrop, Tilly defines protection as ‘the elimination or neutralisation of the enemies of the state makers’ clients’.<sup>18</sup> That is to say, to be allowed to trade and collect taxes, to be protected against attacks and so forth, comes in exchange for providing the state with the resources that ensure the submission of citizens. Bandits, pirates and criminals played a prominent role during state-building processes and also received protection from the holders of power, as long as their services allowed them to guarantee the resources needed to make war. Eventually, the progressive autonomy of the state sphere and the delegitimation of non-state violence created a clear delineation between two fields: the first, a legal one, where client-citizens built their trust networks under the protection of the state in return for different resources, and the second, an extralegal one, in which citizens are threatened by the state’s predatory power.<sup>19</sup> According to this perspective, protection is offered as a means to ensure the extraction of resources, to create a state monopoly and to wage war against opponents.

<sup>16</sup> One of the chop shops was 3.5 kilometres from the nearest police station. Eleven establishments marketing illegal auto parts (chop shops and storehouses) were only about 1.4 kilometres from the nearest police station in Grand Bourg, Malvinas Argentinas district. See Dirección Prevención del Delito Contra la Propiedad del Automotor, ‘Desarmaderos’, memorandum, Province of Buenos Aires, 2002.

<sup>17</sup> ‘Caso Testigo’, *Página 12*, 3 August 2003. The usual export of stolen vehicles to Paraguay was also confirmed by Luis A. Garicoits, the chief technician of the Association of Argentine Components Manufacturers.

<sup>18</sup> Tilly, ‘War Making and State Making as Organized Crime’, p. 182.

<sup>19</sup> Janice E. Thomson, *Mercenaries, Pirates, and Sovereigns* (Princeton, NJ: Princeton University Press, 1994), p. 69; Charles Tilly, *Trust and Rule* (Cambridge: Cambridge University Press, 2005), p. 87.

As Diego Gambetta and others have demonstrated, when the state cannot protect its clients effectively or provide the trust needed for economic exchanges, an extralegal player such as the mafia can assume the role of provider of protection. In an environment characterised by distrust, the fact of being protected acts as a singular lubricant for economic transactions. By hiring mafia protection, it is possible to purchase and sell goods safely, to dissuade or get rid of potential competitors, to secure clients and to avoid being swindled – in other words, protection is a desired asset. Even when transaction costs are high and competition becomes distorted, threats to security justify the purchase of protection. However, this cannot be universal provision as it would be in a government setting because this *sui generis* protection and its structures are criminal.<sup>20</sup>

A third type of protection occurs when (1) there is a state police organisation that does not neutralise or eliminate the enemies of those clients who provide resources to build the state, and (2) illegal protection is sold not by the mafia but by a state agency. If both criminals and non-criminals are regarded as clients of the state, this produces a peculiar phenomenon: the state, through the police force, provides protection to two clients – criminals and ordinary individuals – whose interests oppose one another.

The main characteristic of the police protection analysed here is that it aims to prevent formal rules from being effective. While from Tilly's or Gambetta's perspective, protection is directed towards people or specific groups, the kind of protection referred to here is meant to *suspend the application of the law*<sup>21</sup> and create spaces with a *sui generis* internal regulation.<sup>22</sup> The police organisation addressed in this work provides effective protection not only to criminal organisations but also to citizens willing to pay for a temporary suspension of the law.

Although the sale of protection and the sale of inaction bear some similarities to one another, they need to be clearly distinguished.<sup>23</sup> If a police officer charges someone committing a driving offence a certain amount of money in exchange for not applying the official fine, inaction and protection appear to be the same thing: protection from the law is offered through inaction. Yet, other situations force us to differentiate analytically between categories of action. An example of this would be a police officer refraining from taking action in order to create a specific demand for protection.

<sup>20</sup> Herschel I. Grossman: 'Rival Kleptocrats: The Mafia versus the State', in Gianluca Fiorentini and Sam Peltzman (eds.), *The Economics of Organised Crime* (Cambridge: Cambridge University Press, 1995), p. 144.

<sup>21</sup> Due to limitations of space, I will not enter into a discussion about the application of the law. Here, suspension of the application of the law means the non-enforcement of official rules.

<sup>22</sup> See note 12.

<sup>23</sup> I wish to thank Sergio Costa, who kindly drew my attention to this point.

A shopkeeper, for instance, might refuse to pay 'additional contributions' for protection; in retaliation, they would suffer police inaction, fall victim to a crime and thus be indirectly compelled to require the previously rejected protection. Here, inaction generates a demand for protection. Lastly, another strong reason to make a distinction between inaction and protection is that the former is carried out in an *active* way. In other words, inaction does not entail 'doing nothing'. As we will see in the third section, the creation of the so-called *zonas liberadas* (areas where police surveillance is deliberately suspended), the detention and release of individuals and the protection of informants are the results of a complex process. To give protection to Elbio Fernández by ending police patrols in a determined area is an *active inaction*, given that it entails coordination, alteration of records and so forth.

Another particularity of this type of protection is that the police force has a monopoly over its provision. The provincial police force of Buenos Aires still holds the monopoly on illegal protection over chop shops and the sale of auto parts throughout the province, despite other law enforcement agencies such as the Policía Federal or Gendarmería intervening in recent years to control this activity in hotspots like La Salada and Fuerte Apache.<sup>24</sup> Since this police force, unlike mafia organisations, does not compete with other suppliers and, consequently, does not bother to gather information about its clients or potential competitors, the implications of this variant of illegal protection are far-reaching. As the holders of a monopoly, the police's main source of anxiety is not the possible loss of clients, but the near-complete absence of bureaucratic coordination between legal and illegal activities. As a result, the police concentrate their efforts on administrative coordination issues with the aim of meeting the accountability demanded by the judiciary and the media.<sup>25</sup> Rendering illegal activities invisible through the falsification

<sup>24</sup> Interview with Marcelo F. Sain, former vice-minister of the Ministry of Security of the province of Buenos Aires, 25 Feb. 2012. The police of the province of Buenos Aires still have exclusive jurisdiction over crimes related to the market for stolen cars. Four law enforcement organisations have jurisdiction over all the Argentine territory. These are the Federal Police, mainly charged with civil policing, the National Gendarmerie as a frontier guard force, the Naval Prefecture as a coast guard, and the Airport Security Police in charge of guarding national public airports. As Argentina is a federal republic, law enforcement in the 23 subnational units is carried out by provincial police forces, which have jurisdiction over vehicle theft-related crimes. For an example of competing police forces, see Angélica Durán-Martínez and Richard Snyder, 'Does Illegality Breed Violence? Drug Trafficking and State-Sponsored Protection Rackets', *Law and Social Change*, 52: 3 (2009), pp. 253–73. For more on this discussion, see Peter Reuter, *The Organization of Illegal Markets* (Honolulu, HI: University Press of the Pacific, 1985).

<sup>25</sup> This view coincides with Sain's when he states that 'the traditional police model posed an irrational personnel structure, marked by the existence of a deficient distribution of human resources and by the appointment of a significant part of the personnel ... to perform administrative tasks ... or to take care of the personal security of judicial officials, politicians, legislators, dignitaries and others'; see Sain, *El Leviatán azul*, p. 150.

of official records absorbs a considerable amount of organisational resources and requires the police to manufacture data, by carrying out armed operations or illegal detentions, that appear to show that they are actively attempting to suppress this criminal activity rather than abetting it.<sup>26</sup>

To sum up, police protection may come in one of two forms: one that complies with the characteristics of Tilly's perspective – that is to say, protection from the enemies of the clients of the state – and the one highlighted in this article, which is offered illegally and acts as a shield, isolating state power. Certain businesses or enterprises that would normally encounter state hostility have the chance to prosper under this protective shield. The fact that this second type of protection is both illegal *and* provided by the police force stems from the role served by those who offer it. Here we are not referring to state agents or mafiosi, who defend the interests of their organisations, but to agents who send signals in both directions.

### *Stealing Vehicles in Buenos Aires*

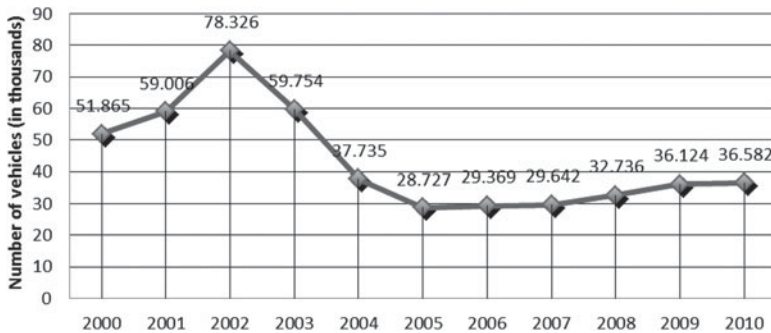
Before demonstrating the way in which the police protect the entrepreneurs of this illegal market, I will describe the latter's activities and indicate what they need to get protection in order to demonstrate why illegal police protection is both a highly coveted commodity and an effective informal tax imposed by the police force. I was able to gain only partial information about the market for stolen vehicles in Buenos Aires, involving just those cases in which business problems arose. When there is a good understanding between the police and the criminals, as there is most of the time, nothing is recorded and, therefore, we know nothing about it.

Together with human and drug trafficking, the theft and dismantling of vehicles and the illegal sale of auto parts is allegedly one of the most profitable illegal activities in the province of Buenos Aires.<sup>27</sup> Between 2000 and 2010, an average of 43,624 vehicles were stolen per year, or more than 119 per day. As demonstrated by [Figure 1](#), the evolution of this phenomenon has varied considerably and is apparently sensitive to the economic climate (devaluation in 2001 and inflation after 2007), since the increase in local prices seems to

<sup>26</sup> On the phenomenon of illegal detentions as a means of producing bureaucratic information, there is a considerable amount of literature from human rights organisations. See, for example, Alicia Oliveira and Sofia Tiscornia, 'Estructura y prácticas de las policías en Argentina: las redes de la ilegalidad', in Centro de Estudios Legales y Sociales (CELS) (ed.), *Control democrático de los organismos de seguridad interior en la república Argentina* (Buenos Aires: CELS, 1997), p. 17; and Sofia Tiscornia, *Activismo de los derechos humanos y burocracias estatales: el caso Walter Bulacio* (Buenos Aires: Del Puerto, 2008), p. 36.

<sup>27</sup> Interviews with Marcelo F. Sain; Elena Mariani, former general auditor of the General Audit of Internal Affairs of the province's police force; and 'Carlos', supervision officer in the Investigations Unit.

Figure 1. *Vehicle Theft in the Province of Buenos Aires by Year*



Source: author's calculation based on data from the Ministerio de Seguridad de la Provincia de Buenos Aires (2000–7) and Superintendencia de Seguros de la Nación (2008–10).

stimulate illegal demand. Between 80 and 85 per cent of the stolen vehicles are cars,<sup>28</sup> and approximately 50 per cent are never found because they have been dismantled and/or taken outside the radius covered by satellite security systems.<sup>29</sup> In general the vehicles are taken to Paraguay, where there are less strict controls on infiltrating the legal vehicle fleet.<sup>30</sup> Regarding the geographical distribution of car thefts, the Centro de Experimentación y Seguridad Vial Argentina (Centre for Testing and Road Safety in Argentina, CESVI Argentina) indicates that the most affected area is southern Greater Buenos Aires, followed by the north, the west and, finally, the interior of the province.<sup>31</sup> The most common method of illegal vehicle acquisition in the first half of 2011 was theft (66 per cent of total amount of stolen vehicles), followed by carjacking (34 per cent). The vehicles most frequently stolen at gunpoint are sport utility vehicles (SUVs/crossovers) and trailer trucks.<sup>32</sup>

There are no reliable statistics about the number of victims murdered during the act of vehicle theft in the province of Buenos Aires, and I was able

<sup>28</sup> See Superintendencia de Seguros de la Nación, 'Anexo II: automotores – coberturas de casco', available at [www.ssn.gov.ar/Storage/Info-estadistica/Mercado/Automotores/Automotores/7464%20ANEXO%20II.xls](http://www.ssn.gov.ar/Storage/Info-estadistica/Mercado/Automotores/Automotores/7464%20ANEXO%20II.xls); and CESVI Argentina, 'Estadísticas de robos'.

<sup>29</sup> Fabián Pons, 'Automóviles: robos y fraudes', CESVI Argentina, 2009.

<sup>30</sup> It is not only stolen cars that end up in bordering countries. There is a very common form of fraud which consists of an owner selling his or her car to criminals for a fee and waiting two or three days to report the theft. By that time, the car is outside the country and the original owner will be able to get the money back from the insurance company (interview with Luis A. Garicoits). Identical fraudulent practices can be found in Russia – see Jurg Gerber and Martin Killias, 'The Transnationalization of Historically Local Crime: Auto Theft in Western Europe and Russia Markets', *European Journal of Crime, Criminal Law and Criminal Justice*, 11: 2 (2003), p. 220.

<sup>31</sup> CESVI Argentina, vehicle theft statistics for 2011, available at [www.cesvi.com.ar](http://www.cesvi.com.ar).

<sup>32</sup> *Ibid.*

to access a report by the Auditoría General de Asuntos Internos (General Audit of Internal Affairs) that covered only the period from 2000 to 2001. The report indicates that 37 people were murdered in 2000, and 50 the year after.<sup>33</sup> Considering that during the following years the number of thefts decreased, it is possible to assume that the number of victims has not increased considerably. Nevertheless, we are dealing with a number of carjacking victims nearly double that in the United States.<sup>34</sup>

There are several methods of making illegal profits from stolen vehicles. According to the judicial investigations to which I had access, (a) the vehicles can be used for other criminal purposes and abandoned afterwards, (b) the vehicles can be taken to bordering countries to be sold on, (c) the vehicles can be sold on by changing the license plate and falsifying the car ownership papers, (d) registration of cars of illicit origin can be attempted, and (e) the vehicles can be dismantled and their parts then sold.<sup>35</sup> According to three former government employees who had been leading the war against illegal chop shops, the most frequently used methods are (d) and (e).<sup>36</sup> We will refer to method (d) when dealing with how car theft is rendered bureaucratically invisible. Method (e), dismantling the cars and selling the parts, is by far the most widespread method and the one used with most stolen cars. The greatest incentive for this illicit economic activity is the high demand for auto parts, which increases in periods of economic instability and in contexts of poverty.<sup>37</sup> Buying auto parts of questionable origin in Greater Buenos Aires is not frowned upon, and shops where these auto parts can be purchased are well known. There is no reliable information regarding the criminal organisations involved in this activity, either about the amount of money involved, the number of parts sold or the number of points of sale. The information that I will provide next comes mainly from official documents from the General Audit of Internal Affairs, mostly memoranda corresponding to the year 2003, when the most important offensive against this activity was launched. Since we are dealing with fragmentary information, the objective is not to provide exact amounts, but rather to show the high profitability of this illegal activity through examples. Simultaneously, I intend to show why illegal police protection is a coveted commodity and why it takes certain forms.

<sup>33</sup> Dirección General de Evaluación de la Información para la Prevención del Delito, 'Informe sobre víctimas fallecidas en ocasión de robo automotor: período 2000/2001', memorandum, 2001.

<sup>34</sup> According to US Department of Justice statistics, the following numbers of people were murdered during vehicle thefts in the United States: in 2005, 32; in 2006, 16; in 2007, 20; in 2008, 20; and in 2009, 23. See [www2.fbi.gov/ucr/cius2009/offenses/expanded\\_information/data/shrtable\\_12.html](http://www2.fbi.gov/ucr/cius2009/offenses/expanded_information/data/shrtable_12.html).

<sup>35</sup> Special thanks to Elena Mariani for her comments here.

<sup>36</sup> Interviews with Carlos, Elena Mariani and Marcelo F. Sain.

<sup>37</sup> Interview with Luis A. Garicoits.

The investigation into the murders of teenagers Héctor Horacio Iglesia Braun and María Victoria Chiaradía on Saturday, 26 August 2000 shed light on the *modus operandi* of these businesses. According to Preliminary Criminal Investigation no. 22318, the murders of the teenagers had their origin in one Martín Oscar Goyeneche's hunt for a grey Chevrolet Corsa. The interest of the latter, who declared that he 'cloned' cars for a living, lay in having bought the remnants – scrap metal – of a grey Chevrolet Corsa, identical to the one in which the two teenagers were travelling. Once in possession of the papers from the scrapped Corsa, he needed to find a similar car with the purpose of dismantling it, selling the functioning auto parts and 'attaching' the papers. The person in charge of looking for and 'lifting' the car off the street was Rubén Oscar Martín, an employee of Juan Antonio Corona, who was a businessman involved in cutting up automobiles and selling the parts and an acquaintance of Goyeneche.<sup>38</sup> During the raid on Goyeneche's chop shop, an accounting book was found that contained a detailed description of the company's finances for the years 1998, 1999 and 2000. According to a report related to the case, in those three years Corona's chop shop had received cheques amounting to US\$ 266,395, or an average of US\$ 7,400 per month.<sup>39</sup> According to journalistic estimates, this was a business that turned over 744 million pesos (US\$ 170.78 million) in 2003.<sup>40</sup> Chop shops are spread throughout the provincial territory, although – just like the vehicle thefts themselves – most are concentrated in the north and south of Greater Buenos Aires. According to statistics from the General Audit of Internal Affairs, between January and June 2003, 394 chop shops were identified and investigated. Although there are no current statistics about the number of chop shops or questionable auto parts being sold, the business still thrives, as indicated by the continuing rise in auto thefts. In November 2009 the DNFDA confiscated 970,000 auto parts that came from cars stolen in the province of Buenos Aires.<sup>41</sup> It is worth noting that, due to distrust in the police force of the province of Buenos Aires, the DNFDA conducts raids with a federal law enforcement agency, the Gendarmerie. In this way, the DNFDA avoids information leaks due to the well-known links between the provincial police force and the chop shops.<sup>42</sup>

The enormous number of vehicles that are stolen in the province of Buenos Aires, and their most common fate – being dismantled, to be sold on as

<sup>38</sup> To 'lift' means to choose a vehicle and steal it. This can occur when the occupants are in the vehicle – carjacking – or when it is parked without occupants.

<sup>39</sup> Report, 'Cuaderno Happy', in Case 22,318, 'Chiaradía María Victoria e Iglesias Héctor Horacio, víctimas de homicidio en Bahía Blanca'.

<sup>40</sup> *Clarín*, 15 May 2003. Conversion rate from 19 March 2012.

<sup>41</sup> Dismantling cars is not an illegal activity in and of itself, and this creates problems in controlling the sale of illegal auto parts. Interview with Mario, head of the DNFDA.

<sup>42</sup> Interview with Mario.



parts – serves to show that there are three critical moments in the ‘production line’ that are predicated on protection. These are when vehicles are stolen, when vehicles are dismantled and when auto parts are sold.

*Suspending Enforcement: The Forms of Illegal Police Protection*

How exactly do the police protect thieves, dismantlers and distributors? In this section I will show the specific forms of protection that the police sell, using the market for stolen vehicles in Buenos Aires as a reference point. These forms of protection do not follow Tilly’s logic of state formation or the dynamic of selling mafia protection described by Gambetta. In our case, in contradiction with its promise to protect law-abiding citizens, the state sells protection to criminals.

What makes the sale of these automobiles or auto parts illegal is the theft of the merchandise itself. This illegality begins at the time of the theft and continues during the sale of the vehicle or its parts.<sup>43</sup> This means, as shown in the previous section, that criminal companies may require police protection at different moments. Based on the collected empirical evidence, I will now describe the three concrete forms illegal police protection takes that enable the stolen car business to thrive.<sup>44</sup> The first and most common form of sale of protection is arrest of people on legitimate or illegitimate grounds in order to extort money for their release.<sup>45</sup> People thought to have committed specific crimes, such as individuals who have stolen cars or criminals with arrest warrants pending,<sup>46</sup> as well as others who have not (but in general are known criminals), are arrested and then charged for their release, either in the form of cash or part of the loot.<sup>47</sup> This is related to car thieves’ recruitment of teenagers and the supply of police protection so they can commit crimes such as ‘lifting’ vehicles off the street. Though arrest-and-release and its derivative, recruitment, are widespread forms of sale of protection, they reach

<sup>43</sup> See Jens Beckert and Frank Wehinger, ‘In the Shadow: Illegal Markets and Economic Sociology’, MPIfG Discussion Paper 11/9, 2011.

<sup>44</sup> According to some interviewees, these three forms of protection are also required by other criminal activities such as human and drug trafficking.

<sup>45</sup> Since the practice of arresting and releasing individuals has become institutionalised, it creates an expectation that protection against prosecution can be obtained in exchange for money. This should be distinguished from extortion, whereby money, goods or services are obtained by force or threat. In other words, arrest-and-release delivers not only a benefit to police officers but also certain advantages for criminals, making it a two-way, not one-way, benefit.

<sup>46</sup> Interview with Houdini, former general auditor of the General Audit of Internal Affairs of the province’s police force.

<sup>47</sup> Interview with León C. Arslanián, former minister of the Ministry of Security of the province of Buenos Aires, and Eugenio Zaffaroni, minister of the Supreme Court of Justice of the Nation.

their limit when conflicts emerge. Indeed, as we will see, deaths of young men in alleged confrontations with the police seem to be a consequence of the breach of the informal contractual relationship between the police and their clients.<sup>48</sup>

The second effective mechanism of sale of protection that stimulates the operation of the market for stolen vehicles is that of exempting areas where criminals dismantle vehicles from the rule of law. These *zonas liberadas* may also fulfil an essential role when criminals steal vehicles from the street or when vehicles are illegally sold on in businesses. In addition, this is a form of protection from which profits are made in other markets in Buenos Aires – the protection may cover fixed targets such as ‘kitchens’ or places to store cocaine, or moving targets such as people or vehicles.<sup>49</sup> In any case, the protection requires an exhaustive knowledge of the territory as well as a certain degree of logistical coordination. Supervision officer Carlos stated that ‘the person who gives the order to create a police no-go area at a specific time and street is the officer on duty or the chief officer’.

The third form of protection used to secure interests (economic or prestige), as well as to regulate the markets, is that of informants and information. Informants might be criminals, but they could equally be actors from other state institutions. A criminal’s world is insecure, and quality information is a precious commodity; this is reason enough for criminals to trade information in exchange for protection and/or money. Meanwhile, the police can benefit economically or gain prestige if they manage to intercept valuable information. An example of the latter is the senior police officers who buy information related to drug cargos coming from other provinces or bordering countries and then use it to organise drug seizures that, due to widespread media interest, earn them promotions or awards.<sup>50</sup> As regards criminal informants, Carlos noted:

The *buchón* [informant] is generally a lowlife who turns in others so as to eliminate competitors. They can also be members of gangs that realise that selling information is

<sup>48</sup> The proliferation of dead young men in the Lomas de Zamora district during the crisis of 2001 was the subject of judicial inspections that are recorded in a report of the Human Rights Department of the Government of Buenos Aires. See Secretaría de Derechos Humanos, Gobierno de la Provincia de Buenos Aires, ‘Informe sobre la muerte de jóvenes en enfrentamientos policiales ocurridos en el ámbito de la Departamental de Lomas de Zamora’, in memorandum, Ministerio de Seguridad de la Provincia de Buenos Aires, Secretaría Privada, April 2003. Another example is Administrative Summary Investigation no. 4389/302, file no. 21.100-638285/01, which investigates the death of a 16-year-old boy in an alleged confrontation with two policemen. Other forms of conflictive situations, for example with the so-called *piratas del asfalto*, are ‘solved’ through similar methods. Interview with Leon C. Arslanián.

<sup>49</sup> Interview with Roberto Vázquez. Since each type of crime requires a specific type of coordination, there are several ways of creating police no-go areas.

<sup>50</sup> Interview with Carlos. This type of operation results in the driver of the transport, and sometimes his companion, being arrested.

profitable and then negotiate. One thing's for sure, if they sell crap, they'd better go to Misiones [an Argentine province distant from Buenos Aires]. The buchón is offered protection and, in the field of drug trafficking, that's paid in drugs. They're paid with part of the seized drugs, generally 10 per cent, and with the full knowledge of the district attorneys. The thing is, the law protecting undercover witnesses doesn't work and the problem for the buchón is that he has no guarantees. The information is bought in order to be used inside the institution and he is given protection up to there, and that's it.

The police can also trade protection with other agents of the state in exchange for information that they then sell to criminals. An example of this is the sale of information to the owners of chop shops or sellers of stolen auto parts. They are notified when judges or investigatory authorities plan to carry out controls or raids.<sup>51</sup> For these reasons, the role of the buchón, an authentic dealer of information, becomes extremely important.<sup>52</sup>

### *Behind the Suspension of Enforcement*

All of these three forms are present in the theft and resale of vehicles, one of the most widespread and profitable criminal phenomena in Greater Buenos Aires. The different protection formats enable the theft of the vehicles, each of which is subsequently 'cloned' to create a 'clean' vehicle or dismantled to facilitate the sale of its parts. At first sight, these suspensions of enforcement – that is, 'turning a blind eye' in exchange for money – would seem to be simpler than enforcing the rule of law by force, with the technical and bureaucratic effort that that entails. However, the purpose of this section is to show that, on the contrary, simplicity is only superficial. The suspension of enforcement and its sale to businessmen in the vehicle theft underworld hides three mechanisms that make it possible: threats and selective implementation of penalties, control of consequences, and bureaucratic falsification. According to the empirical evidence, these three elements are indispensable for offering the suspension of enforcement as a product. With limitations but also with a high degree of effectiveness, these three mechanisms are merged and shape the phenomenon into an informal Leviathan: the police threaten to inflict extra-legal violence, offer protection and implement selective punitive measures, while controlling the consequences of these actions and concealing them bureaucratically. This Leviathan reminds us of what Tilly said about the early stages of state-making and the line between legitimate and illegitimate violence: 'In times of war, indeed, the managers of full-fledged states often

<sup>51</sup> This practice also occurs in the field of manufacturing fake clothing and fake luxury items. Interviews with Santiago Ferrer Reyes and Diego Farreras Villalón, the legal representatives of Nike and Louis Vuitton in Argentina.

<sup>52</sup> Interview with Carlos.

commissioned privateers, hired sometime bandits to raid their enemies, and encouraged their regular troops to take booty.<sup>53</sup>

*Threat and imposition of penalties*

For police chiefs or lower-ranking police officers, suspending law enforcement in order to provide protection is nonetheless a risky action. For this reason, they must establish certain rules with the criminals. Based on the evidence to hand, we can state that this is an asymmetrical relation in which the police have a larger share of power. Nevertheless, the imposition of conditions by the police does not imply the existence of distant relations or the absence of cooperation in the illegal business.<sup>54</sup>

Relations between the police and the vehicle lifters, dismantlers or 'cloners' in Greater Buenos Aires are established by means of the so-called 'street service', a group of four or five police officers whose job is to patrol their jurisdiction all day long.<sup>55</sup> All the knowledge that the police stations have accumulated about the territory comes from this group, which is in touch with neighbours, shopkeepers, business people, public employees and criminals, as well as from the police officers' personal histories – for example, many of them were born in shanty towns and therefore 'know where the cocaine kitchens are'.<sup>56</sup> The street service, then, as the first line of contact with the criminals, is an essential stage in the process of protection sale. There, prices and sale conditions are set, possible reprisals are communicated and strategic information is given, such as the opening and closing hours of local shops or details of possible interference by other state organisms.<sup>57</sup> Using official information for criminal purposes makes the street service a significant aspect in the manipulation of available information. The monopoly held by the police implies that the street service does not specialise in verifying whether illegal transactions carried out by its clients are conducted in an orderly

<sup>53</sup> Tilly, 'War Making and State Making as Organized Crime', p. 173.

<sup>54</sup> A good example is José Garay, who worked as a police sub-officer in the police station of the city of General Pacheco, Buenos Aires. Around 2002, a judicial investigation determined that he collected a weekly 'fee' from several chop shops in General Pacheco under the control of chief officer Norberto Fiori. According to witnesses, the relationship between the owners of the chop shops and officers Garay and Fiori was very close. Reports from neighbours state that cars were transported almost daily between the police station and the facilities in which they were later scrapped, and that the officers and chop shop owners used to have barbecues together. See Administrative Summary Investigation no. 241.452/02, 27 Sep. 2002. Officer José Garay was subsequently discharged from the police force: see Agenda no. 101, Ministry of Security of Buenos Aires, 25 Oct. 2002.

<sup>55</sup> Interviews with Carlos, Houdini, Marcelo F. Sain and Leon C. Arslanián.

<sup>56</sup> Interviews with Carlos and Leon C. Arslanián.

<sup>57</sup> Notification of the judge of guarantees of Bahía Blanca to the General Audit of Internal Affairs relating to Preliminary Criminal Investigation no. 59.947.

manner. To a certain extent, it is not relevant for the police if their clients swindle or are swindled, as it is also not important to gather personal information about these clients. This is the case because the police, unlike the mafia groups described by Gambetta, do not need to defend themselves from competitors. It is why, for the purpose of selling illegal protection, it is not necessary to use mechanisms of criminal intelligence – it is only necessary to verify, as we shall see, the criminals' ability to pay.<sup>58</sup>

However, the police must control the reliability of the information given by criminals in order to protect themselves from useless or risky information. Here, the officer with exhaustive knowledge about the area and its inhabitants again plays an essential role and can avoid the sale of useless information by criminals by implying that he already has better information. Due to this deterrent, it is understood that at first the police will accept all sorts of information, and they will then evaluate the reliability of their partners.<sup>59</sup> Deterring criminals must necessarily be accompanied by the constant threat of physical violence, however. Interviewees expressed the view that the level of violence increases and the *modus operandi* changes in instances where criminal partners sell false information or do not comply with what was agreed upon.<sup>60</sup> Police have come to use the term 'confrontation' to refer to instances where they mete out the 'maximum penalty' (death) to criminals who double-cross them.<sup>61</sup> The secondary purpose of the murder of criminals is to send a message to the criminal underworld.<sup>62</sup> In this case, violence rather than money becomes the relevant medium of exchange between the police and the criminals.

This phenomenon of violent 'confrontations' between policemen and criminals undoubtedly shows that cooperation has its limits and that informal rules do not suffice when conflicts arise. In fact, these actions are usually extrajudicial executions which are presented to the general public as shoot-outs after the police have altered or 'produced' evidence of the events.<sup>63</sup> In this context, children and young people are a section of the population particularly exposed to police business and violence, since they are first recruited to steal

<sup>58</sup> Interview with Carlos.

<sup>59</sup> Interview with Carlos.

<sup>60</sup> Interview with Leon C. Arslanián.

<sup>61</sup> This method is what some investigations suggest (arising from Preliminary Criminal Investigations). See Administrative Summary Investigation no. 385/302, file no. 21.100-049.647/02 (one sergeant and one first corporal are accused); and Administrative Summary Investigation no. 4389/302, file no. 21.100-638285/01 (one sergeant and one corporal are accused).

<sup>62</sup> Interview with Carlos.

<sup>63</sup> According to Zaffaroni (interview), the extralegal killings of people began in the second half of the 1980s. See also Eugenio Zaffaroni, *Muertes anunciadas* (Santa Fé de Bogotá: Temis); and CELS, 'Represión ilegal contra niños y adolescentes', in *Hechos enero-diciembre 2001, derechos humanos en Argentina, informe 2002* (Buenos Aires: Catálogos Editora/Siglo XXI, 2002), chap. 6, p. 261.

and then, if they disagree or refuse, are executed. A report submitted to the General Audit of Internal Affairs by the human rights secretary of the province of Buenos Aires notes the increase in deaths of teenagers through alleged run-ins with the police in Lomas de Zamora in 2001.<sup>64</sup> It shows that the deaths of 14 teenagers in the district represent 41.7 per cent of that type of death in the whole province, while the figure was only 7.7 per cent in 2000. The same report links the number of dead young people to confrontations with the police during that year and concludes that both have increased considerably when compared to previous years and to other districts with the same number of inhabitants.

### *Control of consequences and profitability*

The three aforementioned forms, apart from providing conditions of protection to certain businesses, generate side effects which can affect police officers negatively – for example, if more cars than expected are stolen, if innocent people are killed or if the profits are not certain. For this reason, the suspension of enforcement is only carried out once certain factors have been properly evaluated. Just like insurance companies, police officers who sell illegal protection also stipulate the conditions of the contract in order to avoid unintended consequences. The protector ensures that there are tolerable risk margins. Supervision officer Carlos and former minister Leon C. Arslanián agree, in different ways, that there are three aspects that police take into account: profitability, the media's impact on business and the reaction of the insurance companies. This means that the businesses have to be profitable, with low media impact, and have no considerable effect on the insurance companies. Both interviewees pointed out that, on the contrary, if there are no profits that encourage risk-taking, if the possibilities of the media becoming aware of the activity are too high or if insurance companies become suspicious, the conditions for the sale of protection are not met and will preclude it. These conditions prove essential during the process of protection sale and determine who will be able to purchase it.

Acts of violence perpetrated by police, particularly the murder of innocents and/or young people, attract the attention of the mass media.<sup>65</sup> This situation, within a framework of general concern caused by lack of public security, leads to political and institutional pressures which can jeopardise the jobs of the police officers involved.<sup>66</sup> For this reason, Carlos mentioned the tendency

<sup>64</sup> See note 48.

<sup>65</sup> Haller was the first to refer to this fact: see Haller, 'Illegal Enterprise', p. 209.

<sup>66</sup> Bear in mind that the appointment or removal of the top-ranking police personnel is a civil function: policemen strongly depend on the mayors, the legislators and the governor. For that reason, the purpose of reducing the levels of violence is to avoid affecting the political

among officers to avoid working with *paqueados* (those who use freebase cocaine, or *paco*). When *paqueados* are involved, especially during car thefts, there are risks of murders being committed, which may lead to public protests or the intervention of the mass media.<sup>67</sup> The same risk arises during kidnappings for ransom.<sup>68</sup> In relation to this, Carlos said:

All the police stations depend on the district police station – that is to say, it's like a network. Nobody should stick out when doing business because if you mess up, you affect the district station and in the end you damage the other police stations and the mayor. Because of that, we avoid dealing with gangs of kids wasted on *paco* or dealing with kidnappers. That causes media fuss and it's very important [to avoid it].

The particularity and advantage of the business of stolen cars is that, in comparison with other lucrative and widespread forms of trafficking, the average citizen has weaker moral objections to car theft. The only exception is when episodes of violence occur and, as mentioned, this is an important aspect during the sale of protection.

The second condition that determines whether law enforcement is suspended is the reaction of the insurance companies. Here, former minister Arslanián provides a clear example:

Once I received a document developed by the COMPSTAT [Computer Statistics] system which stated that a police station reported the theft of 71 automobiles every month. How odd! Every month, 71! Therefore, we realised that there was a quota per jurisdiction – that is to say, a number of car thefts that is determined or stipulated by each police station. The quantity is set, among other factors, by the law of supply and demand, but also by the levels of tolerance of the insurance companies.

I was not able to find out how the police officers know what the tolerance limit of the insurance companies is. Nevertheless, I did learn that the relation is complex because, in many cases, insurance companies employ the 'vehicle retrieval' services of other companies owned by former police chiefs.<sup>69</sup>

The third aspect that conditions the offer of protection is the profitability of the business. This aspect is simple but decisive, and if the payment is not received, the penalties mentioned in the previous section are imposed. Carlos said: 'If you work for the cops, you leave 50 per cent. The thieves leave that

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capital of police chiefs, the heads of police stations and especially the mayors. On this matter, see Sain, *El Leviatán azul*, and Eaton, 'Paradoxes of Police Reform'.

<sup>67</sup> This tendency should not be generalised because, contrary to what Carlos and many newspaper articles point out, recruitment of young people and payment with drugs is normal. Even though there is still a real risk, not every violent case becomes public, and the police possess several cover-up mechanisms. See Secretaría de Derechos Humanos, 'Informe sobre la muerte de jóvenes'.

<sup>68</sup> Interview with Carlos.

<sup>69</sup> Interview with Elena Mariani.



money. Then you have the big purchases of equipment and the bids, but the police headquarters are in charge of that, not the police stations.'

The aforementioned conditions for the suspension of enforcement are made to ensure the profitability of the business as well as its characteristic of remaining under the radar. This last characteristic complements the third mechanism which makes possible the offer of a momentary cancellation of the rule of law by the police: bureaucratic falsification.

### *Bureaucratic falsification*

The three forms of illegal protection discussed above could not be marketed without administrative-bureaucratic mechanisms that render them invisible. Together with the imposition of penalties and the aforementioned conditions of sale, bureaucratic falsification is the third mechanism that shapes illegal police protection. Creating 'no-go areas', the 'arrest-and-release' of people, and informant protection all require constant tampering with records or submitting certificates intended to conceal multiple irregularities that occurred during the protection sale. Consequently, the legal system considered in broad terms is an essential component when absorbing the demands of illegality and maintaining a legal appearance of police actions. This is not achieved with police participation alone, however. From many of the documents I was able to access, I could verify that the granting of certificates, authorisations, permits and so forth is something usual and without which illegal businesses could not prosper. Investigations stemming from the murders of María Victoria Chiaradía and Héctor Horacio Iglesia Braun suggest collaboration between different bodies within the judicial system, or at least omission on their part.<sup>70</sup> Other memoranda reveal that contact with the legal system does not necessarily mean civil servants are collaborating with illicit activity. An example of this is the purchase in public auctions of wrecked cars with car ownership papers. Once the buyers of the wrecked vehicle have bought it, they will start to search for and then steal a vehicle with the same characteristics in order to 'clone' it using the papers of the purchased car. This gives them a 'new' vehicle that may be sold as a *remis* (fixed-fare taxi) in Greater Buenos Aires or as spare parts.<sup>71</sup>

In addition to their judicial participation in the promotion of this business, police are clearly active in tampering with documents. This can be verified by

<sup>70</sup> Ministry of Security of Buenos Aires, Preliminary Criminal Investigation no. 22.318, 'María Victoria Chiaradía and Héctor Horacio Iglesia Braun, Victims of Aggravated Murder', judgement, April 2003.

<sup>71</sup> Directorate for Prevention of Crimes against Car Ownership, 'Chop Shops', memorandum, Buenos Aires, 2002. This was confirmed in interviews with DNFDA official Fernando Antar, and with Mario.

Administrative Summary Investigation no. 4679/702 of 2002, in which, aside from being accused of theft during December 2001, the police were accused of covering up brothels. It was also alleged that the police chief and patrol officers in Lanús were protecting chop shops. It is clear from this that protection turns into an administrative cover-up when documents are drawn up stating that, following a police inspection, there is 'nothing unusual to report'.<sup>72</sup> I must also mention a bureaucratic cover-up practice that, according to the interviewees, is frequent and widespread: tampering with the police station's logbook. The logbook is the register of contact between the police and civilians within each police station and records complaints, details of people under arrest, requests for certificates and so forth.<sup>73</sup> Nevertheless, it is possible to tamper with the book by recording certain events selectively and with delay. In other words, this is a register that coincides only partially with what actually happens in the station. In that sense, an important former auditor of internal affairs pointed out that 'the logbooks are delayed one hour in the entire province' so as to 'handle' certain situations. For example, on some occasions, when 'a person under arrest arrives, he is not registered because he is asked for an amount of money to be released'.<sup>74</sup> Just one example that confirms these fraudulent practices is the case of five people who were arrested for the alleged crime of 'property damage, assault and resisting arrest' that was recorded in the logbook 17 hours after arrest. As a result of this event, a sub-chief of police and a deputy police inspector were reported for 'fraudulent falsification of the police station's logbook, specifically page 109'.<sup>75</sup>

### *Conclusion*

This paper has demonstrated how a key law enforcement agency, the police force of the province of Buenos Aires, is highly specialised in the sale of protection to criminals. Unlike the literature about mafia or state protection, whose common factor is an unambiguous separation between state and criminal activities, the present article is based on the idea of illegal police protection, a notion that blurs the line between the two spheres. This is conceptually necessary to understand the complexity of a twofold

<sup>72</sup> The two former auditors of the General Audit of Internal Affairs who were interviewed confirmed that tampering with public documents is a common practice. See, for example, Administrative Summary Investigation no. 4679/702, 2002. Refer to appendix, Memorandum, 9 Aug. 2002, regarding the criminal complaint against a deputy chief officer and a deputy inspector for tampering with the logbook.

<sup>73</sup> Interview with Houdini, Leon C. Arslanián, Carlos and Marcelo F. Sain.

<sup>74</sup> Interview with Houdini.

<sup>75</sup> General Audit of Internal Affairs, 'Denuncia contra la Sra. Subcomisario Liliana Elizabeth Pacheco y el Oficial Subinspector Carlos Ariel Arias', memorandum, La Plata, 9 Aug. 2002.

phenomenon. On the surface, one can observe the joint nature of the enterprise between the police force, which suspends enforcement of the law in a more or less controlled way, and the criminals, who manage 'production' and sale of stolen auto parts and repay the police for services rendered. This joint venture becomes visible in the different nodes of the supply chain, right from the beginning, when cars are 'lifted', passing through their dismantling until the final stage, when the auto parts are sold. Stopping police surveillance, directing it towards other neighbourhoods and arresting and releasing auto thieves are all activities closely interlocked with demands at different stages of this supply chain. Once we raise the question of the robustness of this complicity, however, other phenomena should be considered. In the long run, these activities could not be undertaken if specific well-institutionalised mechanisms did not offer the necessary stability and cover. In fact, the police's marked ability to perceive the limits set by insurance companies, their capacity to impose penalties, their amazing ability to detect when the mass media are getting too curious and their willingness to constantly expunge traces of their activity from the bureaucratic record all highlight the absolutely necessary role of the police in making the machinery function smoothly and discreetly. It is precisely the intricacy of this far-reaching phenomenon, which ultimately acts as a giant shield safeguarding illicit transactions, that is the reason for suggesting the notion of illegal police protection.

This article also suggests a line of enquiry for further research on law enforcement agencies and illegal markets. Drawing mainly on Tilly's and Gambetta's approaches to the study of state and mafia organisations, I argue that illegal police protection seems to be essential to the running of the market for stolen vehicles in the province of Buenos Aires. This hypothesis relies on empirical evidence that shows the very close relationship between the persistence of criminal activities and a set of deep-rooted informal mechanisms exploited by the police. In fact, existing research on Latin America reveals these strong ties and shows that the study of criminal activities also entails the study of the state.<sup>76</sup> In light of illegal police protection, however, this topic gains a new momentum. On the one hand, the fact that a police organisation protects two sets of clients with extremely different interests – law-abiding citizens and criminals – makes evident the seriousness of the problem related to the governance of public security. On the other hand, the existence of a type of protection that aims to extract monetary resources from criminal activities leads us to the question of whether such resources provide benefit only to individual officers or whether they support the everyday operations of the police organisation itself.

<sup>76</sup> See note 12.

*Spanish and Portuguese abstracts*

*Spanish abstract.* En comparación con algunas empresas ilegales cuyas operaciones generan un rechazo moral claro de parte del público, el robo de vehículos se mantiene como una actividad ilícita subterránea que la mayoría de ciudadanos toleran e incluso explotan. En la provincia de Buenos Aires la persistencia, profundidad y amplitud de las transacciones relacionadas con este mercado negro no se puede explicar sin tocar el papel de la policía estatal. Este artículo utiliza un enfoque teórico sobre la protección policial ilegal con el fin de entender la complicidad entre la policía y los delincuentes como un nexo fundamental en el mercado de automóviles robados en la provincia. Utilizando datos de entrevistas en profundidad y de documentos oficiales, el artículo examina cómo exactamente la policía protege a los ladrones y a quienes dismantelan y distribuyen automóviles y/o autopartes. Se analizan tres elementos que condicionan la venta de protección policial ilegal a los delincuentes: amenazas e implementación selectiva de castigos; control de las consecuencias; y la falsificación burocrática de evidencias.

*Spanish keywords:* robo de vehículos, policía, Buenos Aires, mercado ilegal, crimen organizado, protección

*Portuguese abstract.* Contrastando com empreitadas ilegais cujo funcionamento provoca rejeição moral decisiva do público, o roubo de automóveis segue como uma atividade ilícita amplamente tolerada, inclusive explorada, pelos cidadãos. Na província de Buenos Aires, a persistência, profundidade e amplitude de transações relacionadas a este mercado negro não podem ser explicadas sem referência ao papel da polícia do estado. Este artigo utiliza uma abordagem teórica para estudar a proteção policial ilegal e compreender a complicidade entre a polícia e os criminosos como algo fundamental para o funcionamento do mercado de carros roubados na província. Utilizando dados obtidos por entrevistas aprofundadas e de documentos oficiais, o artigo examina como exatamente a polícia protege os ladrões, dismanteladores e distribuidores de carros e/ou auto peças. Ele analisa três elementos que condicionam a venda de proteção ilegal policial aos criminosos: ameaças e a implementação seletiva de penalidades; o controle das consequências; e o falsificação de provas.

*Portuguese keywords:* roubo de carros, polícia, Buenos Aires, mercado ilegal, crime organizado, proteção